



Policy Type:	500 Health and Welfare
Policy Title:	04 Workplace Smoking
Authority:	
Occupational Health and Safety Regulations, 1996 Section 77	245-09

Smoking will be prohibited in all enclosed places of employment, including buildings, vehicles, other enclosed structures and underground mines with the following exceptions:

- Traditional First Nations and Métis spiritual or cultural ceremonies;
- Designated smoking rooms for residents and visitors of long-term care homes that are allowed by the Ministry of Health's Tobacco Control legislation;
- Areas of underground mines that are located more than 10 metres from other workers; and
- Some self-employed businesses, vehicles and camp living accommodations with permission and when others are not present.

(5) Where there is a supply of water at a place of employment that is unfit for drinking, an employer, contractor or owner shall clearly indicate the supply of water with a permanently fixed, durable sign that says "Unfit for Drinking" or by another visual means.

4 Oct 96 cO-1.1 Reg 1 s76.

#### Smoking

77(1) In this section:

(a) "**enclosed place of employment**" means a place of employment that is within a building or another enclosed place and includes:

- (i) a vehicle; and
- (ii) any of the following areas of an underground mine:
  - (A) a mine shaft;
  - (B) a refuge station required pursuant to *The Mines Regulations, 2003*;
  - (C) a lunch room;
  - (D) any area, other than one mentioned in paragraphs (A) to (C), that is within 10 metres of where a worker, self-employed person, employer, contractor or owner is present;

(b) "**enclosed work-related area**" means a work-related area that is within a building or another enclosed place;

(c) "**enclosed worksite**" means a worksite that is within a building or another enclosed place;

(d) "**smoke**" means to smoke, hold or otherwise have control over ignited tobacco;

(e) "**tobacco**" means tobacco in any form in which it is used or consumed, and includes snuff and raw leaf tobacco, but does not include any food, drug or device that contains nicotine to which the *Food and Drugs Act (Canada)* applies.

(2) Subject to subsections (3) and (4), an employer, contractor or owner shall ensure that no person smokes in:

- (a) an enclosed place of employment;
- (b) an enclosed work-related area; or
- (c) any other place of employment where smoking is prohibited by law.

(3) Subsection (2) does not apply to the following places or persons:

(a) an enclosed place of employment or enclosed work-related area while it is being used with the consent of the proprietor for traditional Aboriginal spiritual or cultural practices or ceremonies, if the use of tobacco is an integral part of the traditional Aboriginal spiritual or cultural practices or ceremonies being carried out in the enclosed place of employment or enclosed work-related area;

- (b) residents or persons visiting residents in an enclosed place that:
  - (i) is ventilated separately from the rest of the enclosed place of employment or enclosed work-related area;
  - (ii) is within:
    - (A) a facility designated as a special-care home pursuant to *The Regional Health Services Act*; or
    - (B) a personal care home as defined in *The Personal Care Homes Act* that offers care and accommodation to more than 10 persons; and
  - (iii) meets the requirements prescribed in *The Tobacco Control Act* and the regulations made pursuant to that Act.
- (4) No person while at work shall smoke in any enclosed place of employment or enclosed work-related area where smoking is prohibited pursuant to this section unless:
  - (a) the person is:
    - (i) a self-employed person in a place of employment that:
      - (A) is ventilated separately from other places of employment or work-related areas; and
      - (B) is owned by the self-employed person;
    - (ii) a worker in a vehicle who has the permission of the owner or lessee of the vehicle to smoke in the vehicle; or
    - (iii) a self-employed person or worker who is the sole occupant of a work camp living accommodation if:
      - (A) the living accommodation is ventilated separately from other places of employment or enclosed work-related areas; and
      - (B) the self-employed person or worker has the permission of the owner or operator of the work camp to smoke in the living accommodation;
  - (b) no other worker, self-employed person, employer, contractor or owner is present on a frequent and regular basis in any of the places of employment or enclosed work-related areas mentioned in clause (a); and
  - (c) no other worker, self-employed person, employer, contractor or owner is present when the person mentioned in clause (a) is smoking.
- (5) Subject to subsection (6), a worker may refuse to enter an enclosed worksite if:
  - (a) visible tobacco smoke is present; or
  - (b) fewer than 30 minutes have passed since a tobacco product was extinguished in the enclosed worksite, whether or not visible tobacco smoke is present.



- (6) Subsection (5) does not apply where the worker is required to enter the enclosed worksite to prevent imminent injury or damage to persons or property located within the enclosed worksite.
- (7) If smoking is permitted pursuant to subsection (3) or (4), an employer, contractor or owner shall:
- (a) restrict workers' exposure or self-employed persons' exposure to second-hand tobacco smoke to the extent that is reasonably practicable; and
  - (b) inform workers and self-employed persons of the risk to their health from second-hand tobacco smoke.
- (8) An employer, contractor or owner shall ensure that in every enclosed place of employment where smoking is prohibited:
- (a) signs are posted in locations that are clearly visible to those entering the enclosed place of employment that indicate that smoking is prohibited; and
  - (b) no ashtray or other receptacle designed to be used as an ashtray is present within the enclosed place of employment.

14 Nov 2008 SR 109/2008 s2; 29 May 2009 SR  
54/2009 s2.

#### **Lifting and handling loads**

- 78(1) An employer or contractor shall ensure, where reasonably practicable, that suitable equipment is provided and used for the handling of heavy or awkward loads.
- (2) Where the use of equipment is not reasonably practicable, an employer or contractor shall take all practicable means to adapt heavy or awkward loads to facilitate lifting, holding or transporting by workers or to otherwise minimize the manual handling required.
- (3) An employer or contractor shall ensure that no worker engages in the manual lifting, holding or transporting of a load that, by reason of its weight, size or shape, or by any combination of these or by reason of the frequency, speed or manner in which the load is lifted, held or transported, is likely to be injurious to the worker's health or safety.
- (4) An employer or contractor shall ensure that a worker who is to engage in the lifting, holding or transporting of loads receives appropriate training in safe methods of lifting, holding or carrying of loads.

4 Oct 96 cO-1.1 Reg 1 s78.

#### **Standing**

- 79(1) Where workers are required to stand for long periods in the course of their work, an employer or contractor shall provide adequate anti-fatigue mats, footrests or other suitable devices to give relief to workers.